



PTO/SB/08A&B (08-03)

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|--|--|--|--|--------------------------|-------------------|
| Substitute for form PTO/SB/08A&B INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) Sheet 1 of 3 | | | | Complete if Known | |
| | | | | Application Number | 10/803,569 |
| | | | | Filing Date | March 17, 2004 |
| | | | | First Named Inventor | Seamans, Scott |
| | | | | Art Unit | 3728 |
| | | | | Examiner Name | Jila M. Mohandesi |
| | | | | Attorney Docket Number | 040130-050011US |

| U.S. PATENT DOCUMENTS+ | | | | | |
|------------------------|--------------------------|--|--------------------------------|--|---|
| Examiner Initials* | Cite No. ¹ | Document Number | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
| | | Number Kind Code ² (if known) | | | |
| [Signature] | AA | US-1,392,350 | 10-4-21 | O'Brien | |
| | AB | US-2,180,924 | 11-21-39 | Dunbar | |
| | AC | US-4,100,685 | 7-18-78 | Dassler | |
| | AD | US-4,408,401 | 10-11-83 | Seidel et al. | |
| | AE | US-4,987,750 | 11-8-90 | Cherniak | |
| | AF | US-4,888,887 | 12-28-89 | Solow | |
| | AG | US-5,438,787 | 8-8-95 | Stein | |
| | AH | US-5,528,841 | 6-25-96 | Pozzobon | |
| | AI | US-5,561,919 | 10-8-96 | Gill | |
| | AJ | US-D381,794 | 8-5-97 | Gelli | |
| | AK | US-D416,667 | 11-23-99 | Lamstein | |
| | AL | US-D431,346 | 10-3-00 | Birkenstock | |
| | AM | US-6,237,250 | 5-29-01 | Aquerre | |
| | AN | US-D476,797 | 7-8-03 | Schenone | |
| | AO | US-5,540,464 | 11-4-03 | Hsin et al. | |
| | AP | US-6,860,035 | 3-1-05 | Girard | |
| | AQ | US-D155,956 | 11-1949 | Wood | |
| | AR | US-D368,797 | 4-1896 | Brooks et al. | |
| | AS | US-D428,239 | 7-2000 | Plamondon | |
| | AT | US-D479,034 | 9-2003 | Tzenos | |
| [Signature] | AU | US-D492,095 | 6-2004 | Sanchez et al. | |
| | AV | US-D492,096 | 6-2004 | Sanchez et al. | |
| | AW | US-D492,841 | 7-2004 | Magro | |
| | AX | US-D493,611 | 8-2004 | Chen | |
| | AY | US-D66,083 | 11-1924 | Johnson | |
| | AZ | US-D247,136 | 2-1978 | Mizoguchi | |
| | BA | US-D251,158 | 2-1979 | Edmonds | |
| | BB | US-D355,526 | 2-1995 | Duclos | |
| [Signature] | BC | US-D467,065 | 12-2002 | Chen | |
| | BD | US-D494,345 | 8-2004 | Werman | |

| FOREIGN PATENT DOCUMENTS | | | | | | | | |
|--------------------------|--------------------------|---------------------------|---------------------|--------------------------------------|--------------------------------|---|--|--------------------------|
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| | | Country Code ³ | Number ⁴ | Kind Code ⁵ (if known) | | | | |
| | BE | EP-0 802 039 A2 | | | 10-22-97 | Finproject - S.P.A. | | <input type="checkbox"/> |
| | BF | EP-0 802 040 A2 | | | 10-22-97 | Finproject - S.P.A. | | <input type="checkbox"/> |
| | BG | EP-0 802 041 A2 | | | 10-22-97 | Finproject - S.P.A. | | <input type="checkbox"/> |
| | BH | EP-0 884 005 A1 | | | 12-18-98 | Fin project - S.P.A. | | <input type="checkbox"/> |
| Examiner Signature | | [Signature] | | | Date Considered | 01-05-06 | | |

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¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

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| | BI | GB | 2,322,286 | | 8-26-98 | Quillot | | <input type="checkbox"/> |
| | BJ | CA | 2,375,857 | | 9-13-02 | Pan et al. | | <input type="checkbox"/> |
| | BK | | | | | | | <input type="checkbox"/> |
| | BL | | | | | | | <input type="checkbox"/> |

| NON PATENT LITERATURE DOCUMENTS | | | | |
|---------------------------------|--|--|--------------------|----------|
| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² | |
| | BM | RHODA MIEL, <i>Snowshoe Walks Away with Best Design</i> , <i>Plastics News</i> , April 22, 2002, v. 14, n. 8, p. 4 (2 pages). | | |
| | BN | LUISA ZARGANI, <i>One Fine Year; Anton Magnani's Quirky Dry-Shod Designs have Gained the Italian Design Respect, Recognition and a Deal with Comme Des Garçons</i> , <i>Footwear News</i> , August 2, 1999, i. 102 (2 pages). | | |
| | BO | FinProject Brews an Extralight (Evasol Plastics and Finproject signed a joint venture agreement to introduce a range of new block and net-fit soles for shoes), <i>Footwear News</i> , World Week, August 4, 1997, v. 53, n. 31, p. 8 (3 pages). | | |
| | BP | CINDY MACDONALD, <i>The Entrepreneurs: they're bilingual, multicultural and talented. Distance and language present no barriers to Quebec plastics processors and mold makers as the province's plastics industry continues to increase its level of exports and welcome new companies</i> , <i>Canadian Plastics</i> , O'99, v. 57(10), p. 35-50 (9 pages). | | |
| | BQ | The Elastomers Items: <i>Engage Adds comfort to Sporting Components</i> , <i>Chemical Business New Base: The Elastomers Times</i> , December 1, 2000 (2 pages). | | |
| | BR | <i>Comfortable Walking</i> , <i>Italian Technology</i> , October 1999, n. 3, p. 168 (abstract, 12 page). | | |
| | BS | <i>Injected Eva</i> , <i>Macplas International</i> , August 1999, n. 10, p. 90 (abstract, 1 page). | | |
| | BT | <i>Walking on Modified Eva</i> , <i>Italian Technology</i> , May 1999, n. 2, p. 121, (abstract, 1 page). | | |
| | BU | <i>Trademark Name Record</i> , <i>Official Gazette of the US Patents and Trademarks Office</i> , March 24, 1998, 1208, n. 4, p. 73, (abstract, 1 page). | | |
| | BV | <i>Engage® polyolefin elastomers, the critical ingredient for success</i> , DuPont Dow Elastomers, Copyright© 2000, DuPont Dow Elastomers, www.dupont-dow.com/engage (12 pages). | | |
| BW | <i>Waldenstore.com, Footwear Waldies</i> , August 4, 2003, http://www.waldenstore.com/waldies.html , (1 page). | | | |
| Examiner Signature | | | Date Considered | 01/05/06 |

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| Examiner Initials * | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
| | BX | Birkenstock®, Spring & Summer 2003 Catalog, Birkenstock Orthopudie GmbH, Germany (82 pages). | |
| | BY | Plaintiff's Statement of Claim, FOAM CREATIONS INC. vs. HOLEY SOLES HOLDINGS LTD., Ontario, Canada Federal Court, January 28, 2005, Ridout & Maybee LLP (8 pages). | |
| | BZ | Defendant's Statement of Defence, FOAM CREATION INC. vs. HOLEY SOLES HOLDINGS LTD., Ontario, Canada Federal Court, Court File No. -161-05, March 10, 2005, Oyen Wiggs Green & Mutala LLP (9 pages). | |
| | CA | Defendant's Response to Request for Particulars, FOAM CREATIONS INC. vs. HOLEY SOLES HOLDINGS LTD., Ontario, Canada Federal court, Court File No. T-161-05, April 22, 2005, Oyen Wiggs Green & Mutala LLP (including Appendices A-C, 236 pages). | |
| | CB | Plaintiff's Request for Particulars of Defence, FOAM CREATIONS INC. vs. HOLEY SOLES HOLDINGS LTD., Ontario, Canada Federal Court, Court File No. T-161-05 May 1, 2005, Ridout Y Maybee (5 pages). | |
| | CC | Plaintiff's Further Request for Particulars, FOAM CREATIONS INC. vs. HOLEY SOLES HOLDINGS LTD., Ontario, Canada Federal court, Court File No. T-161-05, May 12, 2005, Ridout & Maybee (including Schedule A, 6 pages). | |
| | CD | Plaintiff's Reply, FOAM CREATIONS INC. vs. HOLEY SOLES HOLDINGS LTD., Ontario, Canada Federal Court, Court File No. T-161-05, Ridout & Maybee (7 pages). | |
| | CE | http://web.archive.org/web/19980420230857/www.birkenstock.com/featprof.hum (3 pages). | |
| | CF | COMPLAINT, Holey Soles Holdings Ltd v. Foam Creations, Inc. and CROCS, Inc. (05CV6893 (MBM)(AJP) S.D.N.Y. filed Aug. 2, 2005). | |

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|--------------------|--|-----------------|--|
| Examiner Signature | | Date Considered | |
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Substitute for form 1449A&B/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet **1** of **3****Complete if Known**

| | |
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| Examiner Name | Jila M. Mohandes |
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| | AA | US-1,392,350 | 10-4-21 | O'Brien | |
| | AB | US-2,180,924 | 11-21-39 | Dunbar | |
| | AC | US-4,100,685 | 7-18-78 | Dassler | |
| | AD | US-4,408,401 | 10-11-83 | Seidel et al. | |
| | AE | US-4,967,750 | 11-6-90 | Cherniak | |
| | AF | US-4,888,887 | 12-26-89 | Solow | |
| | AG | US-5,438,767 | 8-8-95 | Stein | |
| | AH | US-5,528,841 | 6-25-96 | Pozzobon | |
| | AI | US-5,561,919 | 10-8-96 | Gill | |
| | AJ | US-D381,794 | 8-5-97 | Gelli | |
| | AK | US-D416,667 | 11-23-99 | Lamstein | |
| | AL | US-D431,346 | 10-3-00 | Birkenstock | |
| | AM | US-6,237,250 | 5-29-01 | Aquerre | |
| | AN | US-D476,797 | 7-8-03 | Scherone | |
| | AO | US-5,540,464 | 11-4-03 | Hsin et al. | |
| | AP | US-6,860,035 | 3-1-05 | Girard | |
| | AQ | US-D155,956 | 11-1949 | Wood | |
| | AR | US-D368,797 | 4-1996 | Brooks et al. | |
| | AS | US-D428,239 | 7-2000 | Plamondon | |
| | AT | US-D479,034 | 8-2003 | Tzenos | |
| | AU | US-D492,095 | 6-2004 | Sanchez et al. | |
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| | AW | US-D492,841 | 7-2004 | Magro | |
| | AX | US-D493,611 | 8-2004 | Chen | |
| | AY | US-D66,083 | 11-1924 | Johnson | |
| | AZ | US-D247,136 | 2-1978 | Mizoguchi | |
| | BA | US-D251,158 | 2-1979 | Edmonds | |
| | BB | US-D355,526 | 2-1995 | Duclos | |
| | BC | US-D467,065 | 12-2002 | Chen | |
| | BD | US-D494,345 | 8-2004 | Werman | |
| | BE | US-2001/0001350 | 5-24-01 | Aguerre | |
| | BF | US-5,736,167 | 4-7-98 | Chang | |
| | BG | US-3,698,107 | 10-17-72 | Tatsuo | |
| | BH | US-6,439,536 | 8-27-02 | Piccolo | |

duplicate in 103 11/25/05


Examiner
SignatureDate
Considered

01-05-06

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| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | | | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T ² |
| | | Country Code ³ | Number ⁴ | Kind Code ⁵ (if known) | | | | |
| | BI | EP-0 | 802 039 A2 | | 10-22-97 | Finproject - S.P.A. | | <input type="checkbox"/> |
| | BJ | EP-0 | 802 040 A2 | | 10-22-97 | Finproject - S.P.A. | | <input type="checkbox"/> |
| | BK | EP-0 | 802 041 A2 | | 10-22-97 | Finproject - S.P.A. | | <input type="checkbox"/> |
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| | BM | GB | 2,322,286 | | 8-26-98 | Quillot | | <input type="checkbox"/> |
| | BN | CA | 2,375,957 | | 9-13-02 | Pan et al. | | <input type="checkbox"/> |
|  | BO | European Search Report | PCT/US2004015132 | | | | | <input type="checkbox"/> |
| | BP | | | | | | | <input type="checkbox"/> |

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| | BQ | RHODA MIEL, <i>Snowshoe Walks Away with Best Design</i> , Plastics News, April 22, 2002, v. 14, n. 8, p. 4 (2 pages). | |
| | BR | LUISA ZARGANI, <i>One Fine Year: Anton Magnani's Quirky Dry-Shod Designs have Gained the Italian Design Respect, Recognition and a Deal with Comme Des Garçons</i> , Footwear News, August 2, 1999, i. 102 (2 pages). | |
| | BS | <i>FinProject Brews an Extralight (Evasol Plastics and Finproject signed a joint venture agreement to introduce a range of new-block and net-fit soles for shoes)</i> , Footwear News, World Week, August 4, 1997, v. 53, n. 31, p. 8 (3 pages). | |
| | BT | CINDY MACDONALD, <i>The Entrepreneurs: they're bilingual, multicultural and talented. Distance and language present no barriers to Quebec plastics processors and mold makers as the province's plastics industry continues to increase its level of exports and welcome new companies</i> , Canadian Plastics, O'99, v. 57(10), p. 35-50 (9 pages). | |
| | BU | <i>The Elastomers Items: Engage Adds comfort to Sporting Components</i> , Chemical Business New Base: The Elastomers Times, December 1, 2000 (2 pages). | |
| | BV | <i>Comfortable Walking</i> , Italian Technology, October 1999, n. 3, p. 168 (abstract, 12 page). | |


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| | BW | <i>Injected Eva</i> , Macplas International, August 1999, n. 10, p. 90 (abstract, 1 page). | |
| | BX | <i>Walking on Modified Eva</i> , Italian Technology, May 1999, n. 2, p. 121, (abstract, 1 page). | |
| | BY | <i>Trademark Name Record</i> , Official Gazette of the US Patents and Trademarks Office, March 24, 1998, 1208, n. 4, p. 73, (abstract, 1 page). | |
| | BZ | <i>Engage® polyolefin elastomers, the critical ingredient for success</i> , DuPont Dow Elastomers, Copyright© 2000, DuPont Dow Elastomers, www.dupont-dow.com/engage (12 pages). | |
| | BAA | <i>Waldenstore.com, Footwear Waldies</i> , August 4, 2003, http://www.waldenstore.com/waldies.html, (1 page). | |
| | BBB | <i>Birkenstock®, Spring & Summer 2003 Catalog</i> , Birkenstock Orthopudie GmbH, Germany (82 pages). | |
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| | CF | <i>COMPLAINT, Holey Soles Holdings Ltd v. Foam Creations, Inc. and CROCS, Inc. (05CV6893 (MBM)(AJP) S.D.N.Y. filed Aug. 2, 2005).</i> | |

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